



# San Diego City Attorney Michael J. Aguirre

## NEWS RELEASE

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### **SHARPER IMAGE PROSECUTED FOR INACCURATE PERSONAL ALCOHOL BREATH TESTERS**

*Settlement in Excess of \$1 million*

**San Diego, CA:** San Diego City Attorney Michael Aguirre announced today that his office, along with the Office of the Monterey District Attorney, reached a settlement of a consumer protection case against the Sharper Image Corporation. Without admitting wrongdoing, Sharper Image agreed to pay a civil penalty of \$100,000 and restitution which is estimated to be up to \$1,200,000, in addition to investigation costs. The case involved Sharper Image's advertising and sales of a Digital Breath Alcohol Tester, which was a personal electronic device that supposedly measured a consumer's breath alcohol level. The complaint alleged that the devices, marketed under model numbers BT 300, BT 301 and BT 302, were said to be "accurate to .001% blood alcohol content" even though they were not accurate.

"The case was initiated by the San Diego City Attorney's Consumer and Environmental Protection Unit after a city employee compared the device's results to a breath tester used by the City's police department during a training program," said Margaret Jacobo, Chief Deputy City Attorney of the Criminal Division.

The City Attorney and District Attorney Offices are not aware of any injuries caused by the use of this device, but recommend that people stop using the BT devices at issue, and state that no one should ever rely on this or similar devices when considering driving or engaging in other dangerous activities after drinking.

After being contacted by the City Attorney and District Attorney offices, Sharper Image discontinued selling the devices and as part of this settlement, agreed to give full refunds to any California consumer who purchased the \$100 devices. The judgment also includes a permanent injunction preventing Sharper Image from marketing the old version of the device and to ensure compliance with various provisions of the Business and Professions Code dealing with the defendant's advertising of such devices.

Shaper Image has agreed to contact customers who purchased the devices with refund instructions, or, consumers may contact Sharper Image directly. The complaint does not involve other alcohol devices that the company may sell. The company cooperated in the investigation and will revise new and existing marketing procedures to avoid such conduct in the future.

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